

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on March 16, 2011 at 8:00 A.M., in Room 303
Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 174, 3/1/2011; HB 271, 3/1/2011; HB 384, 3/1/2011; HB 496,
3/1/2011

HEARING ON HB 496

Opening Statement by Sponsor:

00:00:54 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 496, Allowing law enforcement agencies to destroy certain firearms they possess.

Proponents' Testimony:

00:09:06 Mike Batista, Division Administrator, Department of Criminal Investigations (DCI), Department of Justice (DOJ), State of Montana
00:09:54 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police (MCOP), Montana Police Protective Association (MPPA)
00:11:06 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
00:11:23 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

Opponents' Testimony:

00:11:45 Gary Marbut, Montana Shooting Sports Association (MSSA), Western Montana Fish and Game Association (WMFGA)
00:14:38 Brian Judy, Montana State Liaison, National Rifle Association (NRA)
00:17:02 Trey Cathey, self, Billings, Montana
00:23:54 Tim Ravndal, Lewis and Clark Conservative Tea Party (LCCTP), Montana Second Amendments Rights March (MSARM), MontanaTenth Amendment Center (MTAC)
00:24:37 Michael J. Gillis, NRA, LCCTP
00:25:02 Tarey Mayn, self, Billings, Montana

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:25:43 Rep. Menahan

HEARING ON HB 271

Opening Statement by Sponsor:

00:29:24 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 271, Exception to concealed weapon offense if eligible to apply.

Proponents' Testimony:

00:32:45 Gary Marbut, Montana Shooting Sports Association (MSSA), Western Montana Fish and Game Association (WMFGA)
 00:36:16 Brian Judy, Montana State Liaison, National Rifle Association (NRA)
 00:40:51 Tim Ravndal, Lewis and Clark Conservative Tea Party, (LCCTP), Montana Tenth (10th) Amendment Center (MTAC), Montana Second (2nd) Amendment Rights March (MSARM)
 00:42:58 Dudley Brown, National Association for Gun Rights (NAGR)
 00:45:55 Bob Faw, self
 00:46:35 Michael J. Gilles, NRA, LCCTP
 00:47:04 Gale Lair, self, Big Timber, Montana
 00:47:36 Trey Cathey, self, Billings, Montana
 00:55:31 Tarey Mayn, self, Billings, Montana

Opponents' Testimony:

00:56:35 Mike Batista, Division Administrator, Department of Criminal Investigations (DCI), Department of Justice (DOJ), State of Montana
 00:58:04 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
 01:03:41 Clyde Dailey, Montana Credit Union Network (MCUN)
EXHIBIT(jus59a01)
 01:04:52 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
 01:06:11 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police (MCOP), Montana Police Protective Association (MPPA)
 01:10:05 Bob McKelvey, Montanans Against Gun Violence (MT-AGV)
EXHIBIT(jus59a02)
 01:25:05 William Duncan, self, member of NRA, Helena, Montana

EXHIBIT(jus59a03)

Letter from Clyde Byerly in opposition to HB 271

EXHIBIT(jus59a04)

Email from Dick Schottlaender in opposition to HB 271

Informational Testimony:

None

Questions from Committee Members and Responses:

01:25:52 Sen. Hinkle
 01:26:46 Mr. Marbut
 01:27:53 Sen. Hinkle
 01:28:45 Mr. Smith
 01:31:56 Sen. Shockley
 01:32:15 Mr. Murphy
 01:37:04 Sen. Shockley
 01:37:16 Rep. Kerns
 01:37:46 Sen. Vincent
 01:38:17 Mr. Marbut
 01:39:23 Sen. Larsen
 01:40:13 Rep. Kerns
 01:40:52 Sen. Essmann
 01:42:04 Ms. Mayn
 01:42:52 Sen. Essmann
 01:43:52 Rep. Kerns
 01:47:15 Sen. Augare
 01:47:33 Rep. Kerns
 01:48:29 Sen. Hinkle
 01:49:26 Rep. Kerns
 01:50:02 Sen. Murphy
 01:50:21 Rep. Kerns

Closing by Sponsor:

01:50:34 Rep. Kerns

HEARING ON HB 384

Opening Statement by Sponsor:

01:50:55 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 384, Revise carrying concealed weapon in prohibited places.

Proponents' Testimony:

01:52:53 Gary Marburt, Montana Shooting Sports Association (MSSA), Western Montana Fish and Game Association (WMFGA)
 01:58:02 Brian Judy, Montan State Liaison, National Rifle Association (NRA)
 02:03:50 Clarence Getz, self, Helena, Montana
 02:04:49 Dudley Brown, National Association for Gun Rights (NAGR)
 02:06:23 Lincoln Dziekonski, self
 02:06:49 Michael J. Gilles, NRA, Lewis and Clark Conservative Tea Party (LCCTP)
 02:07:25 Tim Ravndal, (LCCTP), Montana Tenth Amendment Center (MTAC), Montana Second Amendment Rights March (MSARM)

02:08:33 Dr. Alex Omura, self, Physician, Biomedical Engineer, Missoula, Montana
 02:10:35 Bob Faw, self, Big Timber, Montana
 02:11:51 Tarey Mayn, self, Billings, Montana
 02:12:07 Trey Cathey, self, Billings, Montana

02:19:20 Sen. Augare

02:19:33 Mr. Cathey

Opponents' Testimony:

02:20:10 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)
 02:25:22 Mick Karls, Rocky Mountain Credit Unions
 02:28:08 Steve Yeakel, Montana Independent Bankers (MIB)
 02:28:36 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police (MCOP), Montana Police Protective Association (MPPA)
 02:30:34 John MacDonald, City of Missoula
 02:32:17 Mike Batista, Division Administrator, Department of Criminal Investigations (DCI), Department of Justice (DOJ), State of Montana
 02:33:33 Jon Bennion, Montana Chamber of Commerce (MCC)
 02:34:16 Aimee Grmoljez, Montana Bankers Association (MBA)
 02:35:30 Clyde Dailey, Montana Credit Union Association (MCUA)
 02:40:14 William Duncan, self, member of NRA, Helena, Montana
 02:40:54 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
 02:41:24 Bob McKelvey, Montanans Against Gun Violence (MT-AGV)

[EXHIBIT\(jus59a05\)](#)

[EXHIBIT\(jus59a06\)](#)

Letter from Clyde Byerly in opposition to HB 384

Informational Testimony:

None

Questions from Committee Members and Responses:

02:46:42 Sen. Hinkle
 02:47:20 Rep. Kerns
 02:49:07 Sen. Moss
 02:49:35 Ms. Grmoljez
 02:52:28 Sen. Shockley
 02:54:28 Rep. Kerns

Closing by Sponsor:

02:56:35 Rep. Kerns

HEARING ON HB 174

Opening Statement by Sponsor:

02:57:55 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 174, Repeal prohibition on firearm sound reduction devices in field.

[EXHIBIT\(jus59a07\)](#)

Proponents' Testimony:

03:01:33 Gary Marburt, Montana Shooting Sports Association (MSSA), Western Montana Fish and Game Association (WMFGA)

[EXHIBIT\(jus59a08\)](#)

[EXHIBIT\(jus59a09\)](#)

03:06:04 Brian Judy, Montana State Liaison, National Rifle Association (NRA)

03:08:58 Justin Marks, self, Sleeping Giant Firearms, Helena, Montana

[EXHIBIT\(jus59a10\)](#)

03:14:45 Tim Ravndal, Lewis and Clark Conservative Tea Party, (LCCTP), Montana Tenth (10th) Amendment Center (MTAC) , Montana Second (2nd) Amendment Rights March (MSARM)

03:16:29 Dr. Alex Omura, self, Physician, Biomedical Engineer, Missoula, Montana

[EXHIBIT\(jus59a11\)](#)

03:25:14 Lincoln Dziekonski, self

03:25:54 Rick LePage, self

[EXHIBIT\(jus59a12\)](#)

03:30:05 Michael J. Gilles, NRA, LCCTP

03:30:17 Tarey Mayn, self, Billings, Montana

03:30:36 Trey Cathey, self, Billings, Montana

Opponents' Testimony:

03:31:24 Jim Kropp, Chief of Law Enforcement, Department of Fish, Wildlife and Parks (FWP), State of Montana

[EXHIBIT\(jus59a13\)](#)

[EXHIBIT\(jus59a14\)](#)

03:39:47 George Golie, Montana Game Wardens Association (MGWA), Montana Wildlife Federation (MWF)

03:44:30 Jay Ramlo, self, Volunteer Hunter Education Instructor

[EXHIBIT\(jus59a15\)](#)

03:46:10 Jay Bodner, Montana Stockgrowers Association (MSGa)

03:47:57 William Duncan, self, member of NRA, Helena, Montana

Informational Testimony:

None

Questions from Committee Members and Responses:

03:49:02 Sen. Moss

03:50:20 Mr. Kropp
03:51:32 Sen. Vincent
03:52:13 Mr. Golie
03:53:29 Sen. Vincent
03:53:42 Mr. Bodner
03:54:22 Sen. Vincent
03:54:37 Mr. Kropp
03:56:58 Sen. Vincent
03:57:22 Mr. Marks
04:00:14 Sen. Hinkle
04:00:38 Mr. Kropp
04:05:57 Sen. Jent
04:06:16 Mr. Kropp
04:08:31 Sen. Hutton
04:09:45 Rep. Kerns
04:11:19 Sen. Murphy
04:12:02 Dr. Omura

Closing by Sponsor:

04:14:38 Rep. Kerns

EXHIBIT(jus59a16)

Statement from Martin Baumann in opposition to HB 496

EXHIBIT(jus59a17)

Statement from Clyde Byerly in opposition to HB 496

ADJOURNMENT

Adjournment:

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus59aad.pdf](#))